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CannaVest Corporation
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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 CannaVest Corporation, a Delaware
corporation,

11 Plaintiff,
12

13 v.

14 Kannaway, LLC, a Nevada limited
liability company; General Hemp,
LLC, a Delaware limited liability
15 company, HDDC Holdings, LLC, a
Nevada limited liability company and
16 DOES 1-20,

17 Defendants.
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CASE NO. 14-CV-2160-CAB-BLM

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION FILED BY
PLAINTIFF**

DATE: February 12, 2015
TIME: 2:00 p.m.
CRTRM: 4C
JUDGE: Hon. Cathy Ann Bencivengo

CASE FILED: 9/11/14

19 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

20 NOTICE IS HEREBY GIVEN THAT on February 12, 2015, at 2:00 p.m., or
21 as soon thereafter as counsel may be heard in Courtroom 4C of the Edward J.
22 Schwartz U.S. Courthouse, 221 West Broadway, San Diego, California, 92101,
23 Plaintiff CANNAVEST CORPORATION ("Plaintiff") will, and hereby does, move
24 the Court for entry of an order enjoining Kannaway, its employees, agents, officers,
25 directors, attorneys, representatives, successors, affiliates, subsidiaries, and assigns,
26 and all those in concert or participation with any of them, from:

27 1. Imitating, copying, using, reproducing, registering, attempting to
28 register and/or displaying the mark and designation CANNABIS BEAUTY®, or

1 any mark or designation which colorably imitates or is confusingly similar to this
2 mark and designations, including, without limitation, CANNABIS BEAUTY®
3 alone or in combination with any other term(s), word(s), name(s), logo(s),
4 symbol(s), device(s), designation(s) and/or design(s) in any manner whatsoever;

5 2. Using any other false description or representation or any other things
6 calculated or likely to cause confusion, deception, or mistake in the marketplace
7 with regard to Plaintiff's CANNABIS BEAUTY® mark.

8 3. Directing Kannaway to file with the Court and serve on counsel for
9 Plaintiff, within thirty (30) days after entry of any injunction issued by the Court in
10 this case, a sworn statement as provided in 15 U.S.C. §1116 setting forth in detail
11 the manner and form which Kannaway has complied with the injunction;

12 4. Directing Kannaway to account for any and all revenues and profits
13 derived by Kannaway from the sale of goods bearing the mark CANNABIS
14 BEAUTY®.

15 This motion is based on the grounds that:

16 1. Plaintiff is likely to succeed on the merits of one or more of its claims
17 for (a) common law trademark infringement of the CANNABIS BEAUTY® mark;
18 (b) federal unfair competition with respect to the CANNABIS BEAUTY® mark;
19 (c) statutory unfair competition with respect to the CANNABIS BEAUTY® mark;
20 and

21 2. Unless restrained by this Court, Plaintiff will continue to perform the
22 unlawful acts and such acts will result in irreparable injury to Plaintiff.

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1 This motion is supported by the Memorandum of Points and Authorities in
2 support, the declarations of Michael Mona, Jr., Matthew Markley, and Chris
3 Boucher, and the Request For Judicial Notice, all of which are filed and served with
4 this notice and on the complete files and records of this case, and upon such other
5 and further testimony and evidence as the Court may allow or admit in conjunction
6 with the hearing of this matter.

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8 DATED: December 24, 2014

HIGGS FLETCHER & MACK LLP

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10 By: /s/Phillip C. Samouris
11 PHILLIP C. SAMOURIS, ESQ.
12 MICHAEL J. HOISINGTON, ESQ.
13 Attorneys for Plaintiff
14 CannaVest Corporation
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